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## Notice of Allowability

Application No.

09/824,083

Applicant(s)

SADE ET AL.

Examiner

Christian P. Chace

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/29/05.
2. ☒ The allowed claim(s) is/are 1-3, 5-19, 21-33 and 35-44.
3. ☒ The drawings filed on 8/5/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office action has been issued in response to amendment filed 29 April 2005. Claims 1-3, 5-19, 21-33, and 35-44 are pending. Applicants' arguments have been carefully and respectfully considered, and they are persuasive in light of the instant amendments to the claims.

### ***Allowable Subject Matter***

Claims 1-3, 5-19, 21-33, and 35-44 are allowed, and hereby renumbered 1-3, 4-6, 14-17, 7-12, 18-20, 22, 21, 23-33, 34-40, 13, 30, and 41, respectively.

The following is an examiner's statement of reasons for allowance:

With respect to independent claim 1, the data contained in the first and second cache memories including control data and corresponding disk data, said control data being replicated in both said first and said second cache memories regardless of a modification status of said corresponding disk data is not taught or suggested by the cited prior art of record, as briefly noted in the previous Office action in the response to arguments. Claims 2-3, 5-7, 12-17 and 42, now renumbered 1-13, respectively, depend upon the instant claim, and are allowable for at least the reasons set forth supra with respect to same.

With respect to independent claim 8, now renumbered 14, the record is clear, and no additional reasons for allowance are deemed necessary. Claims 9-11, now renumbered 15-17, depend upon the instant claim, and are allowable for at least the reasons set forth supra with respect to same.

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With respect to independent claim 18, the data contained in the first and second cache memories including control data and corresponding disk data, said control data being replicated in both said first and said second cache memories regardless of a modification status of said corresponding disk data is not taught or suggested by the cited prior art of record, as briefly noted in the previous Office action in the response to arguments. Claims 19, 21-30, and 40, now renumbered 19-30, respectively, depend upon the instant claim, and are allowable for at least the reasons set forth supra with respect to same.

With respect to independent claim 31, the data contained in the first and second cache memories including control data and corresponding disk data, said control data being replicated in both said first and said second cache memories regardless of a modification status of said corresponding disk data is not taught or suggested by the cited prior art of record, as briefly noted in the previous Office action in the response to arguments. Claims 32-33, 35-41, and 44, now renumbered 31-41, respectively, depend upon the instant claim, and are allowable for at least the reasons set forth supra with respect to same.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian P. Chace whose telephone number is 571.272.4190. The examiner can normally be reached on MAXI FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571.272.4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christian P. Chace  
Primary Examiner  
Art Unit 2189